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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/664,991

Customer No. 23379

Applicant: Bjeldanes et al.

Confirmation No. 4613

Filed: Sep 16, 2003

Group Art Unit: 1614

Docket No. B03-074-1

Examiner: Belton, Timothy E

Title: *3,3'-Diindolylmethane Antiandrogenic Compositions*

CERTIFICATE OF TRANSMISSION

I hereby certify that this corr is being transmitted by facsimile to the Comm for Patents 273-8300 on January 2, 2007.

Signed

Richard Aron Osman

RESPONSECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Thank you for the non-final Action dated Nov 24, 2006.

35 USC 112, first paragraph (written description)

The Written Description test is whether the Specification reasonably conveys possession of the invention as claimed to those skilled in the art, i.e. simply indicates to persons skilled in the art that as of the filing date the applicant had invented what is now claimed. Here, the Action objects to the word 'determined' and the phrase 'determined to be subject or predisposed to an androgen-dependent pathology' as being unclear.

Claim 1 recites a two-step method for providing an antiandrogen to a host determined to be in need thereof: 1) contacting the host with an effective amount of an antiandrogenic, optionally substituted 3-3'-diindolylmethane (DIM); and 2) detecting a resultant antiandrogenic response in the host (e.g. Specification p. 4, lines 4-6; Claim 1). In various embodiments, the host is a human patient determined to be subject or predisposed to an androgen-dependent pathology (e.g. Specification p. 4, lines 25-27; Claims 3-4).

The method is applied to a host determined to be in need of an antiandrogen. The Specification teaches that DIM is an antiandrogen, and shows that DIM operates similar to other androgen receptor antagonists like Casodex (e.g. Specification, p.16, line 25 – p.17, line 25).